

SENATE BILL No. 327

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-11-31; IC 20-43-4-1.

Synopsis: Transfers between contiguous school corporations. Permits a student to attend a school in a contiguous school corporation under certain conditions.

Effective: Upon passage.

Walker

January 8, 2009, read first time and referred to Committee on Education and Career Development.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 327

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-11-31 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 31. (a) The following**
4 **definitions apply throughout this section:**

5 (1) "Contiguous school corporation" means a school
6 corporation that is contiguous to another Indiana school
7 corporation where a student has legal settlement.

8 (2) "Eligible student" means a student who has legal
9 settlement in a school corporation that is contiguous to a
10 school corporation in which the student seeks to enroll.

11 (b) Beginning with a school year that begins after June 30, 2009,
12 a contiguous school corporation:

13 (1) shall allow an eligible student to attend a school of the
14 eligible student's choice within the contiguous school
15 corporation; and

16 (2) may not request the payment of transfer tuition for the
17 eligible student from the school corporation in which the



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1 eligible student has legal settlement or from the eligible
 2 student's parent;
 3 unless the contiguous school corporation can demonstrate that any
 4 of the conditions described in subsection (d) exist.

5 (c) If an eligible student enrolls under this section in a school
 6 described in subsection (b)(1), the eligible student's parent must
 7 provide for the eligible student's transportation to school.

8 (d) A contiguous school corporation may not enroll an eligible
 9 student under this section if any of the following conditions exist:

10 (1) The request for transfer was not made at the times that
 11 apply to a request for transfer under section 5 of this chapter.

12 (2) Crowded conditions exist in the school that the eligible
 13 student seeks to attend that do not permit the contiguous
 14 corporation to meet the education needs of the eligible
 15 student.

16 (3) The eligible student seeks to enroll in the contiguous school
 17 corporation primarily for athletic reasons. A decision to allow
 18 an eligible student to enroll in a school corporation in which
 19 the eligible student does not have legal settlement is not
 20 considered a determination that the eligible student did not
 21 enroll primarily for athletic reasons.

22 (e) If a request for transfer is denied under this section, an
 23 appeal may be taken to the state board by the requesting parents
 24 or eligible student, if commenced not more than ten (10) days after
 25 the denial. An appeal is commenced by mailing a notice of appeal
 26 by certified mail to the superintendent of each school corporation
 27 and the state board. The state superintendent shall develop forms
 28 for this purpose, and the transferor corporation shall assist the
 29 parents or eligible student in the mechanics of commencing the
 30 appeal. An appeal hearing must comply with section 15 of this
 31 chapter.

32 SECTION 2. IC 20-43-4-1, AS AMENDED BY P.L.146-2008,
 33 SECTION 487, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) An individual is an
 35 eligible pupil if the individual is a pupil enrolled in a school
 36 corporation and:

37 (1) the school corporation has the responsibility to educate the
 38 pupil in its public schools without the payment of tuition;

39 (2) subject to subdivision (5), the school corporation has the
 40 responsibility to pay transfer tuition under IC 20-26-11 because
 41 the pupil is:

42 (A) transferred for education to another school corporation; or

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- 1 (B) placed in an out-of-state institution or facility by or with
 2 the consent of the department of child services;
 3 (3) the pupil is enrolled in a school corporation as a transfer
 4 student under IC 20-26-11-6 **or IC 20-26-11-31**, or **is** entitled to
 5 be counted for ADM purposes as a resident of the school
 6 corporation when attending its schools under any other applicable
 7 law or regulation;
 8 (4) the state is responsible for the payment of transfer tuition to
 9 the school corporation for the pupil under IC 20-26-11; or
 10 (5) all of the following apply:
 11 (A) The school corporation is a transferee corporation.
 12 (B) The pupil does not qualify as a qualified pupil in the
 13 transferee corporation under subdivision (3) or (4).
 14 (C) The transferee corporation's attendance area includes a
 15 state licensed private or public health care facility or child care
 16 facility where the pupil was placed:
 17 (i) by or with the consent of the department of child
 18 services;
 19 (ii) by a court order;
 20 (iii) by a child placing agency licensed by the department of
 21 child services;
 22 (iv) by a parent or guardian under IC 20-26-11-8; or
 23 (v) by or with the consent of the department under
 24 IC 20-35-6-2.
 25 (b) For purposes of a career and technical education grant, an
 26 eligible pupil includes a student enrolled in a charter school.
 27 **SECTION 3. An emergency is declared for this act.**

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